

### Remarks

#### Claims

Applicants have reviewed the Office Action dated October 13, 2009 and the examiner's rejections therein. Applicants request continued examination pursuant to 37 C.F.R. § 1.114 and have enclosed the requisite fee herewith. Applicants have amended claims 1, 15, 19, 31, 43, 50, 64, 79, and 80. Applicants have submitted two new independent claims, claims 91 and 92. Applicants submit that the claim amendments are supported by the specification as filed and do not contain statutory new matter.

#### General Comments

In the Official Action of 13 October 2009, at page 2, item 2 the examiner states that "Crawford provides for separating host complexes on different servers and it would be obvious to provide a character server and an IM server." Applicants' invention is not directed at the provision of separate servers *per se* but rather at enabling instant messages associated with an animated character to be sent and delivered without the need to send the animated character with each and every instant message sent or to deliver the animated character to each and every recipient. Provision of a character server in itself does not achieve this. More particularly, the provision of a character server by itself does not enable instant messages to be delivered without the animated character. Unless there is a process for the recipient to request the animated character after receipt of the instant message, a system would need to send the animated character with each and every message, even if from a separate character server to ensure each and every recipient had the animated character.

The claims in the present application have been amended to be explicit that when sent and received the instant message does not include the associated animated character.

The amended claims also state the instant message is sent or addressed to the recipient by the sender. This is to distinguish the present application over chat rooms such as Kim where messages are not addressed to specific users by a sender but rather broadcast by the chat room server. Various amended claims in the present application also set out that the display location of the animated character is selected by the recipient or the recipient's computer. Again this is to distinguish chat rooms where the location of an avatar is controlled by the chat room server or the avatar's "owner".

**Claim Rejections - Claims 19, 43, 64, and 80**

The examiner has rejected claims 19, 43, 64, and 80 under 35 U.S.C. § 103(a) as being obvious to a person of ordinary skill in the art in view of U.S. Patent No. 6,910,186 to Kim ("Kim") and U.S. Publication No. 2004/0201624 ("Crawford"). Applicants respectfully submit that these claims, as amended, are not obvious in view of the cited prior art for the following reasons.

As discussed in a previous response, the section of Crawford referred to by the examiner is discussing direct sender-to-recipient communication and the host merely authenticates the users to enable direct user-to-user communication. The host is not involved in obtaining an animated character after receipt of the IM by the recipient.

The examiner states that "the motivation to do so would be so that the server supplies the information to all users" and references Kim. However, none of the prior art discusses separating the animated character from an instant message and a chat room does not provide a motivation as a chat room is not involved in instant messaging in the context of the present invention. All the prior art raised by the examiner, if it includes graphic elements, includes the same material in every IM sent. Kim discloses a chat room, not an instant message system. Kim does not provide any motivation in relation to instant messaging.

In relation to the examiner's reference to column 12, lines 9 to 23 and figure 4C of Kim, these do not disclose receiving a request from a recipient. They disclose receiving movement commands from one user and forwarding such commands to other users. There is no discussion of this being related to an instant message. Further in Kim the users do not request an animated character at all and definitely not in response to receipt of an instant message.

The amended claims in the present application now state that the instant message is "addressed to the recipient by the sender". Messages in a chat room environment are not addressed by a sender to a recipient. Instead, they are sent to a chat room server and are not addressed to any recipients by the sender.

To further distinguish over the cited prior art, the location of the animated character on the recipient's computer is selected by the recipient or recipient's computer. In the chat room environment of Kim the location of the sender's avatar is not selectable by the recipient.

The claims of the present application are now explicit that the animated character is not sent by the sender as part of the instant message.

For the foregoing reasons, Applicants request allowance of claims 19, 43, 64, and 80, and all claims dependent thereon.

**Claim Rejections - Claims 1, 9-10, 13-15, 31, 39-40, 50, 62-63, 79, and 81-90**

The examiner has rejected claims 1, 9-10, 13-15, 31, 39-40, 50, 62-63, 79, and 81-90 under 35 U.S.C. § 103(a) as being obvious to a person of ordinary skill in the art over U.S. Publication No. 2001/0033298 to Slotznick ("Slotznick") in view of Crawford and Kim. Applicants respectfully submit that these claims, as amended, are not obvious in view of the prior art for the reasons set forth below.

The examiner states that Crawford discloses retrieving an animated character by a recipient after receipt of an instant message and combines this with Slotznick and Kim.

As discussed above, neither Crawford nor Kim suggest separating the instant message from the animated server or retrieving an animated character after receipt of an instant message. Further, Crawford does not disclose having animated characters on a character server and merely discloses a way of establishing point-to-point communication whereby an instant message can be sent directly to the recipient. Crawford teaches including any icons or animated characters in the instant message and teaches away from the present invention regarding the separation of the animated character and the instant message.

Accordingly, Applicant requests allowance of claims 1, 9-10, 13-15, 31, 39-40, 50, 62-63, 79, and 81-90, and all claims dependent thereon.

**New Claims - Claims 91 and 92**

Applicants have submitted two new claims, claims 91 and 92. Applicants respectfully submit that the new claims are not obvious to a person of ordinary skill in the art in view of the prior art of record. Accordingly, Applicants request allowance of claims 91 and 92.

Conclusion

Applicants respectfully submit that the present application is distinguishable over the prior art and respectfully request allowance of the claims, as amended.

If any additional fees are due in connection with the filing of this Amendment or the accompanying papers that are not provided herewith, such as fees under 37 C.F.R. §§1.16 or 1.17, please charge the fees to SGR Deposit Account No. 02-4300, Order No. 034164.002. If an additional extension of time under 37 C.F.R. §1.136 is necessary that is not accounted for in the papers filed herewith, such an extension is requested. The additional extension fee also should be charged to SGR Deposit Account No. 02-4300, Order No. 034164.002. Any overpayment of fees can be credited to SGR Deposit Account No. 02-4300, Order No. 034164.002.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Dana T. Hustins', with a long horizontal line extending to the right.

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